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10/611,472	06/30/2003	Peter Szor	SYMC1034	`1598
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Applicatio	n No.	Applicant(s)				
Office Action Summary		10/611,47	2	SZOR, PETER				
		Examiner		Art Unit				
		Ronald Ba		2136				
Period fo	The MAILING DATE of this communication a or Reply	ppears on the	cover sheet with the c	orrespondence ac	Idress			
WHIC - Exter after - If NO - Failu Any (	ORTENED STATUTORY PERIOD FOR REP CHEVER IS LONGER, FROM THE MAILING asions of time may be available under the provisions of 37 CFR SIX (6) MONTHS from the mailing date of this communication, operiod for reply is specified above, the maximum statutory perion re to reply within the set or extended period for reply will, by state reply received by the Office later than three months after the mailed patent term adjustment. See 37 CFR 1.704(b).	DATE OF TH 1.136(a). In no eve od will apply and will ute, cause the appli	IS COMMUNICATION nt, however, may a reply be time expire SIX (6) MONTHS from cation to become ABANDONEI	I. sely filed the mailing date of this o (35 U.S.C. § 133).				
Status								
1) 又	Responsive to communication(s) filed on 30	June 2003.						
2a)□	This action is <b>FINAL</b> . 2b)⊠ Th	nis action is no	on-final.					
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Dispositi	ion of Claims							
4)⊠ Claim(s) <u>1-29</u> is/are pending in the application.								
4a) Of the above claim(s) is/are withdrawn from consideration.								
5) Claim(s) is/are allowed.								
·	6)⊠ Claim(s) <u>1-29</u> is/are rejected.							
•	Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/or election requirement.								
Applicati	on Papers							
9)[	The specification is objected to by the Exami	ner.	•					
10)⊠ The drawing(s) filed on <u>14 October 2003</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority (	ınder 35 U.S.C. § 119							
12)	Acknowledgment is made of a claim for foreign	gn priority und	ler 35 U.S.C. § 119(a)	)-(d) or (f).				
a) All b) Some * c) None of:								
1. Certified copies of the priority documents have been received.								
2. Certified copies of the priority documents have been received in Application No								
3. Copies of the certified copies of the priority documents have been received in this National Stage								
application from the International Bureau (PCT Rule 17.2(a)).								
* See the attached detailed Office action for a list of the certified copies not received.								
Attachmen	ut(e)							
1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)								
2) Notic	ce of Draftsperson's Patent Drawing Review (PTO-948)		Paper No(s)/Mail Da	ate				
	mation Disclosure Statement(s) (PTO/SB/08) er No(s)/Mail Date <u>12/8/03,2/26/07</u> .		5) Notice of Informal P 6) Other:	atent Application				

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## **DETAILED ACTION**

- 1. This action is in reply to applicant's correspondence of 30 June 2003.
- 2. Claims 1-29 are pending for examination.
- 3. Claims 1-29 are rejected.

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 5. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Magdych et al, U.S. Patent No. 6,546,493 B1.
- 6. As per claim 1; "A method comprising:

detecting an attack by

malicious code on

a first computer system [Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas a system utilizing predetermined policy based intrusion/attack detection/risk assessment/remediation that is embodied in multiple processing elements (i.e., first/second computer systems) configured in a

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network architecture, clearly encompasses the claimed limitations as broadly interpreted by the examiner.];

extracting a malicious code signature from

said malicious code [Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, and more particularly col. 3,lines 23-49, whereas the comparison of 'a plurality of virus/attack signatures ... or extract the harmful information from the infected communications ...' aspects of the intrusion/attack detection/risk assessment/remediation, clearly encompasses the claimed limitations as broadly interpreted by the examiner.];

creating an extracted malicious code packet including

said malicious code signature [Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas the intrusion/attack detection/risk assessment/remediation that is embodied in multiple processing elements (i.e., separate intrusion/attack detection (first computer) system versus the risk assessment/remediation (second computer) system where the first to second extracted malicious code information clearly is transferred in a coded packet), clearly encompasses the claimed limitations as broadly interpreted by the examiner.]; and

sending said extracted malicious code packet from

said first computer system to

a second computer system [Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas the intrusion/attack detection/risk assessment/remediation that is embodied in multiple processing elements (i.e.,

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separate intrusion/attack detection (first computer) system versus the risk assessment/remediation (second computer) system where the first to second extracted malicious code information clearly is transferred in a coded packet), clearly encompasses the claimed limitations as broadly interpreted by the examiner.].".

And further as per claim 27, this claim is an apparatus (system) claim for the method claim 1 above, and is rejected for the same reasons provided for the claim 1 rejection; "A computer system comprising:

an intrusion prevention application for

detecting an attack by malicious code on

a first computer system;

a host signature extraction application for

extracting a malicious code signature from

said malicious code;

said host signature extraction application further for

creating an extracted malicious code packet including

said malicious code signature; and

said host signature extraction application further for

sending said extracted malicious code packet from

said first computer system to

a second computer system.".

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7. Claim 2 *additionally recites* the limitations that; "The method of Claim 1 wherein prior to said sending, said method further comprising

determining that said extracted malicious code packet is

a new extracted malicious code packet.".

The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas a system utilizing predetermined policy based intrusion/attack detection/risk assessment/remediation is such that the risk assessment aspect encompasses the initial (i.e., new) determination of an extracted malicious code/attack, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

8. Claim 3 *additionally recites* the limitations that; "The method of Claim 1 wherein prior to said sending, said method further comprising

determining that a maximum number of extracted malicious code packets have not been sent from

said first computer system.".

The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas a system utilizing predetermined policy based intrusion/attack detection/risk assessment/remediation is such that the risk assessment aspect encompasses the threshold (i.e., maximum number) determination of an extracted malicious code/attack, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

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9. Claim 4 *additionally recites* the limitations that; "The method of Claim 1 wherein said extracted malicious code packet is sent from

said first computer system to

said second computer system

on a secure channel.".

The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas the intrusion/attack detection/risk assessment/remediation that is embodied in multiple processing elements (i.e., first computer/second computer) system where the first to second extracted malicious code information clearly is transferred across the Internet (i.e., WWW) such that the secure (i.e., SSL, HTTPS) aspects of secure Web communications, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

10. As per claim 5; "A method comprising:

detecting an attack by

malicious code on

a first computer system [Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas a system utilizing predetermined policy based intrusion/attack detection/risk assessment/remediation that is embodied in multiple processing elements (i.e., first/second computer systems) configured in a network architecture, clearly encompasses the claimed limitations as broadly interpreted by the examiner.];

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creating an extracted malicious code packet including

parameters associated with

said malicious code [Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas the intrusion/attack detection/risk assessment/remediation that is embodied in multiple processing elements (i.e., separate intrusion/attack detection (first computer) system versus the risk assessment/remediation (second computer) system where the first to second extracted malicious code information (i.e., malicious code and network node communications support/address parameters and associated protocol information) clearly is transferred in a coded packet), clearly encompasses the claimed limitations as broadly interpreted by the examiner.]; and

sending said extracted malicious code packet from

said first computer system to

a second computer system [Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas the intrusion/attack detection/risk assessment/remediation that is embodied in multiple processing elements (i.e., separate intrusion/attack detection (first computer) system versus the risk assessment/remediation (second computer) system where the first to second extracted malicious code information clearly is transferred in a coded packet), clearly encompasses the claimed limitations as broadly interpreted by the examiner.]."

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And further as per claim 28, this claim is an apparatus (system) claim for the method claim 5 above, and is rejected for the same reasons provided for the claim 5 rejection; "A computer system comprising:

an intrusion prevention application for detecting an attack by malicious code on a first computer system;

a host signature extraction application for

creating an extracted malicious code packet including

parameters associated with said malicious code; and

said host signature extraction application further for

sending said extracted malicious code packet from

said first computer system to

a second computer system.".

11. Claim 6 *additionally recites* the limitations that; "The method of Claim 5 wherein prior to said sending, said method further comprising

determining that said extracted malicious code packet is

a new extracted malicious code packet.".

The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas a system utilizing predetermined policy based intrusion/attack detection/risk assessment/remediation is such that the risk assessment aspect encompasses the initial (i.e., new)

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determination of an extracted malicious code/attack, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

12. Claim 7 *additionally recites* the limitations that; "The method of Claim 5 wherein prior to said sending, said method further comprising

determining that a maximum number of extracted malicious code packets have not been sent from

said first computer system.".

The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas a system utilizing predetermined policy based intrusion/attack detection/risk assessment/remediation is such that the risk assessment aspect encompasses the threshold (i.e., maximum number) determination of an extracted malicious code/attack, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

13. Claim 8 *additionally recites* the limitations that; "The method of Claim 5 wherein said extracted malicious code packet is sent from

said first computer system to

said second computer system

on a secure channel.".

The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas the intrusion/attack detection/risk assessment/remediation that is embodied in multiple processing elements (i.e., first computer/second computer) system where the first to

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second extracted malicious code information clearly is transferred across the Internet (i.e., WWW) such that the secure (i.e., SSL, HTTPS) aspects of secure Web communications, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

14. Claim 9 *additionally recites* the limitations that; "The method of Claim 5 further comprising

determining whether said malicious code is sendable.".

The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas the extracted malicious code information by virtue of the fact that it is extracted from a file/resident in memory/cache memory, and can be transferred to the second computer across the network (i.e., 'sendable'), clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

15. Claim 10 *additionally recites* the limitations that; "The method of Claim 9 wherein upon a determination that said malicious code is sendable,

said method further comprising

extracting said malicious code from a memory location.".

The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas the extracted malicious code information by virtue of the fact that it is extracted from a file/resident in memory ('from a memory location')/cache memory, and can be

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transferred to the second computer across the network (i.e., 'sendable'), clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

16. Claim 11 *additionally recites* the limitations that; "The method of Claim 10 wherein said extracting comprises

copying or cutting said malicious code from said memory location.".

The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas the extracted malicious code information by virtue of the fact that it is extracted (i.e., 'copying or cutting') from a file/resident in memory ('from a memory location')/cache memory, and can be transferred to the second computer across the network (i.e., 'sendable'), clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

17. Claim 12 *additionally recites* the limitations that; "The method of Claim 10 further comprising

appending said parameters to

said malicious code after said extraction.".

The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas the extracted malicious code information by virtue of the fact that it is extracted from a file/resident in memory ('from a memory location')/cache memory, and can be transferred to the second computer across the network (i.e., 'sendable' with associated

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parameters), clearly encompasses the claimed limitations as broadly interpreted by the

examiner.) suggest such limitations.

18. Claim 13 additionally recites the limitations that; "The method of Claim 9 wherein

upon a determination that said malicious code is not sendable,

said method further comprising

extracting a snippet of said malicious code from a memory location.".

The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2, lines 8-

56, whereas in the case of the extracted malicious code information not extractable in its entirety

(i.e., the process of 'extracting a snippet') from memory ('from a memory location')/cache

memory, and therefore is assessed as not a 'complete' risk so assessable/acknowledgeable by the

second computer, clearly encompasses the claimed limitations as broadly interpreted by the

examiner.) suggest such limitations.

19. Claim 14 additionally recites the limitations that; "The method of Claim 13 wherein

said extracting comprises

copying or cutting a portion of said malicious code from

said memory location.".

The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2, lines 8-

56, whereas in the case of the extracted malicious code information not extractable in its entirety

(i.e., the process of 'copying or cutting a portion of') from memory ('from a memory

location')/cache memory, and therefore is assessed as not a 'complete' risk so

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assessable/acknowledgeable by the second computer, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

20. Claim 15 *additionally recites* the limitations that; "The method of Claim 13 further comprising

appending said parameters to

said snippet after said extraction.".

The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas in the case of the extracted malicious code information not extractable in its entirety (i.e., the process of 'copying or cutting a portion of') from memory ('from a memory location')/cache memory, and therefore is assessed as not a 'complete' risk so assessable (i.e., parts of/the snippet/the parameters)/acknowledgeable by the second computer, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

21. As per claim 16; "A method comprising: receiving an extracted malicious code packet from

a first computer system with

a second computer system [Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas the intrusion/attack detection/risk assessment/remediation that is embodied in multiple processing elements (i.e., separate intrusion/attack detection (first computer) system versus the risk

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assessment/remediation (second computer, 'receiving an extracted malicious code packet ...') system where the first to second extracted malicious code information clearly is transferred in a coded packet), clearly encompasses the claimed limitations as broadly interpreted by the examiner.]; and

determining whether an attack threshold

has been exceeded based upon

said extracted malicious code packet [Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas a system utilizing predetermined policy based intrusion/attack detection/risk assessment/remediation is such that the risk assessment aspect encompasses the threshold (i.e., maximum number) determination of an extracted malicious code/attack, clearly encompasses the claimed limitations as broadly interpreted by the examiner.].".

And further as per claim 29, this claim is an apparatus (system) claim for the method claim 16 above, and is rejected for the same reasons provided for the claim 16 rejection; "A computer system comprising:

a local analysis center signature extraction application for receiving an extracted malicious code packet from

a first computer system with

a second computer system; and

said local analysis center signature extraction application further for determining whether an attack threshold has been

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exceeded based upon

said extracted malicious code packet.".

22. Claim 17 *additionally recites* the limitations that; "The method of Claim 16 wherein upon a determination that an attack threshold has been exceeded,

said method further comprising

delivering a signature update comprising

a malicious code signature.".

The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, and more particularly col. 2,lines 27-55, whereas the comparison of '... a database of known vulnerabilities may then be updated based on risk assessment scan ...' aspects of the intrusion/attack detection/risk assessment/remediation, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

23. Claim 18 *additionally recites* the limitations that; "The method of Claim 17 wherein said signature update is delivered to

an intrusion detection system.".

The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, and more particularly col. 2,lines 27-55, whereas the comparison of '... a database of known vulnerabilities may then be updated [i.e., at the 'intrusion detection system'] based on risk assessment scan ...' aspects of the intrusion/attack detection/risk assessment/remediation, clearly

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encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

24. Claim 19 *additionally recites* the limitations that; "The method of Claim 17 further comprising

determining that a maximum number of signature updates have not been sent prior to said delivering a signature update.".

The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, and more particularly col. 2,lines 27-55, whereas the comparison of '... a database of known vulnerabilities may then be updated [i.e., at the 'intrusion detection system'] based on risk assessment scan ...' aspects of the intrusion/attack detection/risk assessment/remediation, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

25. Claim 20 *additionally recites* the limitations that; "The method of Claim 17 further comprising

creating said signature update.".

The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, and more particularly col. 2,lines 27-55, whereas the comparison of '... a database of known vulnerabilities may then be updated [i.e., at the 'intrusion detection system'] based on risk assessment scan ...' aspects of the intrusion/attack detection/risk assessment/remediation, clearly

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encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

26. Claim 21 *additionally recites* the limitations that; "The method of Claim 16 wherein said extracted malicious code packet includes

a malicious code signature, and

wherein upon a determination that said attack threshold has been exceeded,

said method further comprising

delivering said malicious code signature to a global analysis center.".

The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas a system utilizing predetermined policy based intrusion/attack detection/risk assessment/remediation is such that the risk assessment aspect (i.e., at the risk assessment network element 'a global analysis center') encompasses the threshold (i.e., maximum number) determination of an extracted malicious code/attack, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

27. Claim 22 *additionally recites* the limitations that; "The method of Claim 21 further comprising

determining that a maximum number of malicious code signatures have not been sent prior to

said delivering said malicious code signature.".

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The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas a system utilizing predetermined policy based intrusion/attack detection/risk assessment/remediation is such that the risk assessment aspect encompasses the threshold (i.e., maximum number) determination of an extracted malicious code/attack, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

28. Claim 23 *additionally recites* the limitations that; "The method of Claim 21 further comprising

extracting said malicious code signature from

said extracted malicious code packet.".

The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas a system utilizing predetermined policy based intrusion/attack detection/risk assessment/remediation is such that the risk assessment aspect encompasses the extracted malicious code packet determination of an extracted malicious code/attack, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

29. Claim 24 *additionally recites* the limitations that; "The method of Claim 16 further comprising

determining whether said extracted malicious code packet includes

a malicious code signature,

wherein upon a determination that said extracted malicious code packet

does not include a malicious code signature, said method further comprising

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extracting a malicious code signature from said extracted malicious code packet.".

The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas a system utilizing predetermined policy based intrusion/attack detection/risk assessment/remediation is such that the risk assessment aspect encompasses the extracted malicious code packet determination of an extracted malicious code/attack, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

30. Claim 25 *additionally recites* the limitations that; "The method of Claim 16 wherein upon a determination that

said attack threshold has been exceeded,

said method further comprising

delivering said extracted malicious code packet to a global analysis center.".

The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas a system utilizing predetermined policy based intrusion/attack detection/risk assessment/remediation is such that the risk assessment aspect (i.e., at the risk assessment network element 'a global analysis center') encompasses the threshold (i.e., maximum number) determination of an extracted malicious code/attack, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

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31. Claim 26 *additionally recites* the limitations that; "The method of Claim 25 further comprising

determining that a maximum number of extracted malicious code packets

have not been sent prior to

said delivering said extracted malicious code packet.".

The teachings of Magdych et al (Abstract, figures 1-5 and associated descriptions, col. 2,lines 8-56, whereas a system utilizing predetermined policy based intrusion/attack detection/risk assessment/remediation is such that the risk assessment aspect (i.e., at the risk assessment network element 'a global analysis center') encompasses the threshold (i.e., maximum number) determination of an extracted malicious code/attack, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

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## Conclusion

32. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose unofficial Fax number is (571) 273-3861 and unofficial email is Ronald.baum@uspto.gov. The examiner can normally be reached Monday through Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami, can be reached at (571) 272-4195. The Fax number for the organization where this application is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. For more information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <a href="http://pair-direct.uspto.gov">http://pair-direct.uspto.gov</a>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NASSER MOAZZAMI UPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2100

5,2,07

Ronald Baum

Patent Examiner